

DEPARTMENT OF PUBLIC WORKS
FLOOD DAMAGE PREVENTION
RULES AND REGULATIONS

SECTION 1.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this rule shall be interpreted so as to give them the meaning they have in common usage and to give these rules and regulations its most reasonable application.

"Appeal" means a request for a review of the Department of Public Work's interpretation of any provision of these rules and regulations or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH, A1-30 on the FIRM.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Breakaway walls" mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

"Coastal high hazard area" means the area subject to high velocity waters, including but not limited to coastal and tidal inundation or tsunamis. The area is designated on a FIRM as Zone V1-30.

"Commission" means the Territorial Planning Commission.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for

servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this rule.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary Floodway Map" means the office map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved property.

"Flood-related erosion" a condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a watercourse. One that increases the possibility of loss due to the erosion of the land area adjacent to the shoreline or watercourse.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating or recreation, or combination hereof. For flood insurance purposes habitable floor and lowest floor will share the same definition.

"Hazard Mitigation Plan" A plan that incorporates a process, whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to floodplain management community-wide.

"Highest Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Manufactured Unit" is a prefabricated structure in one or more sections that is assembled on-site with a permanent foundation.

"Mobile Home" is a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers, or manufactured unit housing on permanent slab foundation.

"New construction" means a structures for which the "start of construction" commenced on or after the effective date of these rules and regulations.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities or servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this law.

"Sand bars" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions "start of construction" means the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum the construction of streets, either final site grading, or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" is a walled and roofed building or mobile home that is principally above ground.

"Substantial Improvement" means any repair, reconstruction, or improvement to a structure, the cost of which or exceeds 50 percent of the construction value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this rule which permits construction in a manner that would otherwise be prohibited by this rule.

SECTION 2.0

GENERAL PROVISIONS

2.1 LANDS TO WHICH THIS RULE APPLIES

These rules and regulations shall apply to all areas of special flood hazards within the jurisdiction of the Territory of Guam.

2.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Territory of Guam," dated September, 1983, with the accompanying Flood Insurance Rate Map and the Flood Boundary and Floodway Map and any amendment thereto is hereby adopted by reference and declared to be a part of this rule. The Flood Insurance Study is on file at the Department of Public Works and the Department of Land Management.

2.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this rule and other applicable regulations.

2.4 ABROGATION AND GREATER RESTRICTIONS

These rules and regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this rule and another rule, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

.5 INTERPRETATION

In the interpretation and application of these rules, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under territory statutes.

.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these rules is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by

man-made or natural causes, This rule does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This rule shall not create liability on the part of the Government of Guam, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result reliance on this ordinance or any administration decision lawfully made there under.

SECTION 3.0

ADMINISTRATION

3.1 ESTABLISHMENT OF BUILDING PERMIT

A Building Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 2.2. Application for a Development Permit shall be made on forms, furnished by the Department of Public Works and may include, but not be limited to; plans in duplicate scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Proposed elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures; in zones AO elevation of existing grade and proposed elevation of lowest habitable floor of all structures.
- (2) Proposed elevation in relation to mean sea level to which any structure will be floodproof;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 4.1-3(3); and,
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3.2 DESIGNATION OF THE Director

The Director, Department of Public Works is hereby appointed to administer and implement this rule by granting or denying development permit applications in accordance with its provisions.

3.3 The duties - responsibilities of the Director shall include, but not limited to:

3.3-1 Permit Review

- (1) Review all building permits to determine that the permit requirements of this ordinance have been satisfied.

- (2) Review all permits to determine that the site is reasonably safe from flooding.
- (3) Review all building permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this rule, "adversely affects" means that the cumulative effect of the proposed development will increase the water surface elevation of the base flood more than one foot at any point.
- (4) Review all proposals for the development of 5 parcels or more to assure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development.

3.3-2 Use of Other Flood Data

When base flood elevation data has not been provided in accordance with Section 2.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, territorial or other source, in order to administer Section 4.0.

3.3-3 Information to be Obtained and Maintained

Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies the following:

- (1) the certified elevation required in Section 4.1-3(1) (residential);
- (2) the certification required in Section 4.1-3(2) (shallow flooding);
- (3) the floodproofing certification required in Section 4.1-3(3); (non-residential);
- (4) the certified elevation required in Section 4.4-2 (subdivision);
- (5) the coastal high hazard certification required in Section 4.7-2(3) (coastal); and
- (6) the anchoring certification required in Section 4.5-1 (mobile home).

3.3-4 Alteration of Watercourses

- (1) Notify adjacent communities and the Department of Public Works prior to any alteration or relocation of a watercourse, and submit evidence of such notification

to the Federal Emergency Management Agency.

- (2). Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

3.3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions.) The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0.

3.3-6 Maintenance of Flood Protection Measures

The maintenance of any and all flood protection measures, (levees, dikes, dams or reservoirs or other measures), will be required of the jurisdiction where such measures provide protection. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the Director of Public Works.

3.3-7 Hazard Mitigation Plan

The local agency or board responsible for reviewing all proposals for new development shall weigh all requests for future flood plain development against community's General Plan. Consideration of the following elements are required before approval:

- (1) Determination if proposed development is in or affects a known flood plain;
- (2) Inform the public of the proposed activity;
- (3) Determine if there is a practicable alternative or site for the proposed activity;
- (4) Identify impact of the activity on the flood plain; and
- (5) Provide a plan to mitigate the impact of the activity with provisions in Section 3.3-1(4).

SECTION 4.0

PROVISION FOR FLOOD HAZARD REDUCTION

4.1 STANDARDS OF CONSTRUCTION

In all areas of special flood hazards, the following standards are required:

4.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All mobile homes shall meet the anchoring standards of Section 4.5-1.

4.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvement shall be using methods and practices that minimize flood damage.
- (3) All elements that function as a part of the structure, such as, hot water heater, air conditioner, etc., shall be elevated to or above the base flood elevation or depth number specified on the FIRM.

4.1-3 Elevation and Floodproofing

- (1) New construction and substantial improvement of any structure shall have the lowest habitable floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 4.1-3(3). Upon completion of the structure the elevation of the lowest habitable floor including basement shall be certified by a registered professional engineer or surveyor or verified by the local building inspector that elevation requirements have been met. Notification of compliance shall be recorded as set forth in Section 3.3-3(1).
- (2) New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, elevated to or above the depth number specified on the FIRM. If there is no depth number on the FIRM, the lowest floor, including basement, shall be elevated to a depth of one foot

above the highest adjacent grade. Non residential structures may meet standards in Section 4.1-3(3). Upon completion of the structure compliance to the elevation requirement shall be certified by a registered professional engineer or surveyor or verified by the local building inspector. Notification of compliance shall be recorded as set forth in Section 3.3-3(2).

- (3) Nonresidential construction shall either be elevated in conformance with Section 4.1-3(1) or (2) or together with attendant utility and sanitary facilities:
 - (a) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy, and;
 - (c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set for the in Section 3.3-3(3).
- (4) Mobile homes shall meet the above standards and also the standards in Section 4.5(5) Structures in Coastal High Hazard Areas shall meet the requirements of Section 4.7.

1.2 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT

1.2-1 The storage or processing of materials that are in time of flooding bouyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

1.2-2 Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

1.3 STANDARDS FOR UTILITIES

1.3-1 All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

1.3-2 On-site waste disposal systems shall be located to avoid impairment to them or contamination from the during flooding.

4.4 STANDARDS FOR SUBDIVISIONS

- 4.4-1 All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- 4.4-2 All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 3.3-3(3).
- 4.4-3 All subdivision proposals shall be consistent with the need to minimize flood damage;
- 4.4-4 All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 4.4-5 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage as set forth in Section 3.3-1(4). Certification of compliance shall be required of the developer.

4.5 STANDARDS FOR MOBILE HOMES AND MOBILE HOME PARKS AND SUBDIVISIONS

- 4.5-1 All mobile homes and additions to mobile homes shall be anchored to resist flotation, collapse, or lateral movement by one or more of the following methods:
- (1) providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and up lift forces of 9 pounds per square foot; or
 - (2) the anchoring of the unit's system, designed to be in compliance to the Department of Housing and Development (HUD) Mobile Home Construction and Safety Standards; or
 - (3) providing over-the-top and frame ties to ground anchors. Specifically:
 - (a) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, provided that mobile homes less than 50 feet long require only one additional tie per side; and
 - (b) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long require only four additional ties per side; and, all components of the anchoring system be capable of carrying a force of 4,800 pounds.

- (4) As set forth in Section 3.3-3(6), certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation and anchoring of individual mobile home units.

4.5-2 Mobile Home Parks and Mobile Home Subdivisions

The following standards are required for (a) mobiles homes not placed in mobile home parks or subdivisions, (b) new mobile home parks or subdivisions, (c) expansions to existing mobile home parks or subdivisions and, (d) repair, reconstruction, or improvements to existing mobile home parks or subdivisions that equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

- (1) Adequate surface drainage and access for a hauler shall be provided.
- (2) All mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood levels. If elevated on pilings:
 - (a) the lots shall be large enough to permit steps;
 - (b) the pilings shall be placed in stable soil no more than ten feet apart; and
 - (c) reinforcement shall be provided for pilings more than six feet above the ground level.

4.5-3 No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

4.5-4 No mobile home shall be placed in a coastal high hazard area, except in an existing mobile home park or an existing mobile home subdivision.

4.5-5 Certification of compliance is required of the developer responsible for the plan or territorial agency responsible for regulating mobile home placement.

4.6 FLOODWAYS

Located within areas of special flood hazard established in Section 2.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

4.6-1 Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

4.6-2 If no floodway is designated then a set back of 10 meters from the bank(s) of the watercourse will be established, where encroachment will be prohibited.

4.7 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in Section 2.2. These areas have special flood hazards associated with high velocity waters from coastal and tidal inundation tsunamis. The following provisions shall apply:

4.7-1 LOCATION OF STRUCTURES

- (1) All buildings or structures shall be located landward out of reach of the mean high tide.
- (2) The placement of mobile homes shall be prohibited, except in an existing mobile home park or mobile home subdivision.

4.7-2 CONSTRUCTION METHODS

(1) Elevation

All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Section 4.7-2(4).

(2) Structural Support

- (a) All buildings or structures shall be securely anchored on pilings or columns.
- (b) Pilings or columns used as structural support shall be designed and anchored so as to withstand all impact forces and bouyancy factors of the base flood.

- (c) There shall be no fill used for structural support.

(3) Certification

Compliance with the provisions of Section 4.7-2 and 4.7-2(2)(a) and (b) shall be certified to by a registered professional engineer or architect and provided to the official as set forth in Section 3.3-3.(5).

- (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this rule shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.
- (b) Breakaway walls may be allowed the base flood elevation provided they are not a part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.
- (c) If breakaway walls are utilized, such enclosed space or storage as set forth in Section 4.2 space shall not be used for human habitation.
- (d) Prior to construction, plans for any structure that will have breakaway walls must be approved by the Director.

SECTION 5.0

VARIANCE AND APPEAL PROCEDURE

5.1 APPLICATION

The Territorial Planning Commission (Commission) shall hear and decide requests for variances from the requirements of this rule, and appeals from decisions of the Director of Public Works.

5.2 VARIANCE PROCEDURE

5.2-1 VARIANCE GROUNDS

No variance shall be granted by the Commission unless it finds:

- (1) a showing of good and sufficient cause such as a renovation, rehabilitation or reconstruction. Variances issued for economic considerations, aesthetics or because variances have been used in the past are not good and sufficient cause;
- (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or rules.

5.2-2 VARIANCE FACTORS

In deliberating upon variance applications, the Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of these rules and regulations:

- (1) the danger that materials may be swept onto other lands to the injury of others;
- (2) the danger to life and property due to flooding or erosion damage;
- (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (4) the importance of the services provided by the proposed facility to the community;
- (5) the necessity to the facility of a waterfront location, where applicable;
- (6) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- (7) the compatibility of the proposed use with existing and anticipated development;
- (8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

5.2-3

VARIANCE CONDITIONS

- (1) Upon consideration of the factors above and the purposes of these rules and regulations, the Commission may attach such additional conditions to the granting of variances as it deems necessary to further the purposes of these rules and regulations.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 5.2-2 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

5.2-4 VARIANCE DECISION

- (1) Upon granting or denying an application for variance, the Commission shall provide all parties concerned the written decision which shall include the reasons for said decision. No granted variance shall be operative until such written decision has been so provided.
- (2) When a variance application has been granted, the applicant shall be provided written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.3 APPEALS PROCEDURE

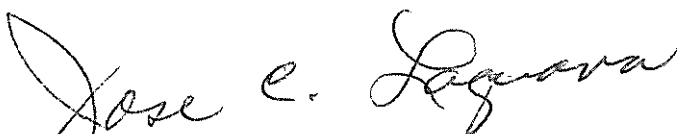
The Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Public Works.

5.4 APPEALS TO SUPERIOR COURT

Those aggrieved by the decision of the Territorial Planning Commission or any taxpayer, may appeal such decision to the Superior Court of Guam, as provided in Section 17506 of the Government Code of Guam.

5.5 RECORDS

The Director of Land Management shall maintain the records of all variance applications and appeals to the Commission. The decisions rendered there on shall also be maintained and shall be provided to the Federal Emergency Management Agency upon request.



CHAIRMAN, TERRITORIAL PLANNING COMMISSION
APPROVED:

- (5) Variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

5.2-4 VARIANCE DECISION

- (1) Upon granting or denying an application for variance, the Commission shall provide all parties concerned the written decision which shall include the reasons for said decision. No granted variance shall be operative until such written decision has been so provided.
- (2) When a variance application has been granted, the applicant shall be provided written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.3 APPEALS PROCEDURE

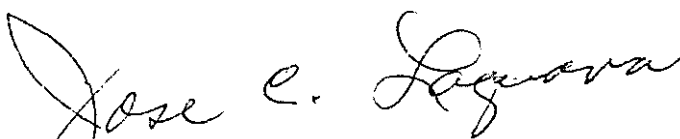
The Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Public Works.

5.4 APPEALS TO SUPERIOR COURT

Those aggrieved by the decision of the Territorial Planning Commission or any taxpayer, may appeal such decision to the Superior Court of Guam, as provided in Section 17506 of the Government Code of Guam.

5.5 RECORDS

The Director of Land Management shall maintain the records of all variance applications and appeals to the Commission. The decisions rendered there on shall also be maintained and shall be provided to the Federal Emergency Management Agency upon request.



CHAIRMAN, TERRITORIAL PLANNING COMMISSION
APPROVED:



CIVIL DEFENSE GUAM EMERGENCY SERVICES OFFICE

GOVERNMENT OF GUAM
P.O. BOX 2877
AGANA, GUAM 96910
TEL: 477-9841/2



RICARDO J. BORDALLO
Governor of Guam

NOV 01 1985

*OFF
cc: AG: for
clearance*

JOSE R. ALVAREZ
Director
JORDAN KAYE
Deputy Director

*Reviewed & Approved.
12/12/85*

MEMORANDUM

To: The Governor

From: Director, Civil Defense/Guam Emergency Services Office

Subject: Request Signature on Executive Order to ensure continued participation in the National Flood Insurance Program

Attached, please find a copy of a proposed Executive Order which would repeal Executive Order 78-20, which you promulgated during your first administration.

Repeal of Executive Order 78-20 is necessary in view of Guam's transition to the Regular Program. Executive Order 78-20 initiated our participation in the Emergency Program. Since the Flood Insurance Rate Maps (FIRM), Flood Boundary and Floodway Map and the flood elevation study have all been completed, Guam now transcends into the Regular program. Actual insurance rates to be implemented, effective November 15, 1985 will be determined on the basis of the zones indicated on the FIRM. In the Emergency Program, homeowners and businesses paid an established rate per \$100.00 coverage in the categories of residential and non-residential.

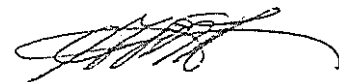
The process we currently are undertaking include a public hearing for Tuesday, November 12, 1985 at 7:00p.m. at Civil Defense/Guam Emergency Services Office. The public hearing is being conducted to repeal the current rules and regulations governing flood hazard areas and to promulgate the "new" rules and regulations.

Under the proposed Executive Order, Department of Public Works and the Territorial Planning Commissions (TPC) would promulgate the new rules and regulations. The TPC's involvement is found in Chapter 5, Variance and Appeal Procedure. Their involvement is necessary in view of the statutory authority vested in them in the variance appeal procedure.

Guam is expected to adopt its measures (Executive Order and Rules and Regulations affecting flood hazard areas) by November 15, 1985. At that time, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the flood elevation study also become effective.

Your legal assistant has been provided an advance copy of the proposed Executive Order. Your approval to our request is appreciated.

We are also attaching the Rules and Regulations for your perusal.



JOSE R. ALVAREZ

Attachments

